

Message Text

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 4188

INFO AMCONSUL STRASBOURG

AMEMBASSY VIENNA

AMEMBASSY BRUSSELS

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USOECD

USEEC

PASS: OSTP, OTP, COMMERCE/OT, NBS, NSF

E.O. 11652:N/A

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SUBJECT: MEETING OF COUNCIL OF EUROPE WORKING GROUP A
(INTERNATIONAL CONVENTION ON DATA PROTECTION) STRASBOURG,
JUNE 1-3, 1977.

REF: (A) STRASBOURG 102, (B) STRASBOURG 107, (C)

STATE 118201.

1. SUMMARY. WORKING GROUP A OF THE COUNCIL OF EUROPE'S COMMITTEE OF EXPERTS ON DATA PROTECTION MET JUNE 1-3 IN STRASBOURG. PRESENT: JOINET, (FRANCE, CHAIRMAN); LIBRANDO (ITALY, VICE-CHAIRMAN); STADLER (AUSTRIA); SCHOMERUS (FRG); HUSTINX (NETHERLANDS); WESTMAN (SWEDEN); OBSERVERS: HERMES (AUSTRALIA); WAIT (US). SECRETARIAT: HONDIUS, COE, LEGAL AFFAIRS DIRECTORATE. WORKING DOCUMENT: EXF/DATA PROT(77) MISC 2 (REVISED PRELIMINARY DRAFT
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OF INTERNATIONAL CONVENTION ON DATA PROTECTION). TWO MAIN AREAS OF DISCUSSION WERE : (A) APPLICABILITY OF LAW, (B) COOPERATION AMONG CONTRACTING PARTIES. MEETING WAS VERY USEFUL AND ILLUMINATING. IN OPINION OF US OBSERVER, COE IS AT BEST NO NEARER ACCEPTABLE DRAFT THAN AT FEBRUARY 1977 MEETING. RELEVANT DOCUMENTS AIRPOUCHED DEPARTMENT (CRAWFORD, OES). PLENARY COMMITTEE MEETS END

SEPTEMBER, AFTER OECD VIENNA SYMPOSIUM. END SUMMARY.

2. AS REQUESTED BY DEPARTMENT, MISSION SCIENCE ADVISER ATTENDED JUNE 1-3 MEETING OF COE WORKING GROUP A, AND AT INVITATION OF CHAIRMAN PARTICIPATED AS FULL MEMBER OF THE GROUP. BACKGROUND FOR THE MEETING WAS COE DOCUMENT EXP/DATA PROT(77) MISC 2, A REVISED VERSION OF THE DRAFT CONVENTION THAT WAS DISCUSSED AND CRITICIZED BY THE WG AT ITS FEBRUARY MEETING. AT THAT MEETING, THE WG DECIDED THAT THE JUNE SESSIONS WOULD FOCUS ON TWO AREAS -BOTH DIFFICULT AND SENSITIVE- VIZ. (A) THE APPLICABILITY OF NATIONAL LEGISLATION TO TRANSBORDER DATA FLOW PROBLEMS, (B) MECHANISMS FOR INTER-STATE (CONTRACTING PARTY) CO-OPERATION ON THE PROTECTION OF PERSONAL DATA. THE WG CONSIDERED THAT THE PROBLEM OF THE RIGHT OF ACCESS HAD BEEN VIRTUALLY LAID TO REST, AND THAT A REASONABLE CONSENSUS ON THIS POINT HAD BEEN REACHED.

3. BUT AS THE MEETING DEVELOPED, IT BECAME CLEAR THAT, ALTHOUGH THERE MIGHT BE AGREEMENT ON THE PRINCIPLE OF RIGHT OF ACCESS, THERE WERE STILL MISGIVINGS ABOUT HOW SUCH ACCESS WOULD BE AFFECTED BY DIFFERENT NATIONAL LEGISLATION. MOREOVER, ARGUMENTS OVER SPECIFIC DEFINITIONS IN THE REVISED TEXT BROUGHT THE GROUP FACE TO FACE NOT ONLY WITH SOME OF THE SUBSTANTIVE ISSUES LIKELY TO ARISE, BUT ALSO WITH SOME LEGAL REALITIES HIDING BEHIND THE LOOSELY DEFINED WORDS OF THE DRAFT CONVENTION. BEFORE COMING TO THESE, HOWEVER, IT MAY BE OF INTEREST TO NOTE BRIEFLY WHAT WAS SAID ABOUT NATIONAL UNCLASSIFIED

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DEVELOPMENTS SINCE FEBRUARY LAST.

4. FRG: NOTHING SINCE FEB. AN OFFICER-IN-CHARGE OF DATA CONTROL TO BE OFFICIALLY APPOINTED ON JULY 1, BUT SO FAR NO CANDIDATES. AUSTRIA: EXPERT-GROUP LOOKING AT NEW REGULATIONS ON PRIVATE SECTOR, FOR INCLUSION PRIVACY BILL, WHICH WILL ALSO HAVE A LENGTHY ARTICLE ON TRANSBORDER DATA FLOW. ITALY: SEVERAL NEW LAWS UNDER CONSIDERATION. NETHERLANDS: THE KOOPMANS COMMITTEE REPORTED IN NOV 1976 AND NETHERLANDS GOVERNMENT PUBLISHED A DRAFT LAW FOR COMMENTS, WHICH APPARENTLY WERE LARGELY FAVORABLE TO MAIN LINES. RECENT CHANGE IN GOVERNMENT, HOWEVER, HAS MEANT THAT LEGISLATIVE PRIORITIES MAY CHANGE, SO THAT A FINAL DRAFT BILL MIGHT NOT BE CONSIDERED BY THE NETHERLANDS PARLIAMENT UNTIL END 1978, ALTHOUGH DRAFTING WILL BEGIN THIS FALL. SWEDEN: NOTHING TO NOTE, AS REVIEW COMMITTEE ON DATA ACT HAS NOT YET REPORTED. AUSTRALIA: NATIONAL LAW REFORM COMMISSION NOW STUDYING PRIVACY QUESTIONS.

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US: POSITION AS STATED IN FEBRUARY, I.E. HIGH LEVEL OF
INTEREST IN COE/OECD/EEC INITIATIVES, BUT NO POSITION ON
MOST SUITABLE MECHANISMS FOR DEALING WITH ISSUES. VIENNA
SYMPOSIUM EXPECTED TO PROVIDE BETTER INSIGHT INTO MANY
CATEGORIES OF ISSUES ARISING FROM FACTUAL DISCUSSION, AND
TO SHED LIGHT ON POTENTIAL ADVANTAGES AND DISADVANTAGES
OF DIFFERENT METHODS FOR DEALING WITH SUCH APPROACHES.
FRANCE (CHAIRMAN): FRENCH DRAFT BILL READY, BUT BECAUSE
OF INTERNAL POLITICAL SITUATION FURTHER CONSIDERATION
UNLIKELY BEFORE END 1977. JOINET ALSO COMMENTED THAT WORK
IN THE EEC IS PROCEEDING, BUT SLOWLY.

5. AFTER THIS BRIEF ROUND-TABLE, THE WG PLUNGED INTO
DISCUSSION OF MISC 2, (THE REVISED DRAFT OF THE CONVEN-
TION). HONDIUS, THE DUTCH LEGAL EXPERT, GAVE A BRIEF
INTRODUCTION, STATING THAT IN HIS OPINION THE GROUP WAS
NOT YET "ON" WITH RESPECT TO EITHER ACCESS OR CONTROL.
THERE SEEMED EVEN TO BE DIFFICULTIES OVER THE BASIC
CONCEPTS OF THE CONVENTION, PARTICULARLY WITH RESPECT
TO WHERE RESPONSIBILITY SHOULD BE PLACED. QUESTIONS WERE
ARISING WITH REGARD TO A FOCAL POINT FOR SUCH RESPONSI-
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BILITY. SHOULD EACH STATE BE ALLOWED TO HAVE ITS OWN RULES ? IS AN INTERNATIONAL SYSTEM POSSIBLE ? IS THERE NEED FOR SUPRANATIONAL CONTROL ?

6. THIS STATEMENT OPENED UP A LONG TWO-DAY DISCUSSION THAT REVOLVED AROUND FOUR MAJOR ISSUES : (A) HARMONIZATION OF DIFFERING NATIONAL LEGISLATION, HENCE DIFFERENT APPROACHES TO CONTROL SYSTEMS (B) ASSIGNMENT OF RESPONSIBILITY THROUGHOUT THE DIFFERENT COMPONENTS OF A COMPUTERIZED TRANSFRONTIER INFORMATION SYSTEM NETWORK, LEADING TO (C) VALIDITY OF CERTAIN KEY DEFINITIONS AND WORDS USED IN DRAFT CONVENTION (D) COOPERATION AMONG STATES ON CONTROL MEASURES FOR PROTECTION OF PRIVACY.

7. ON (A), THERE WAS GENERAL AGREEMENT THAT AN ATTEMPT BE MADE TO OBTAIN A CONSENSUS OF NATIONAL APPROACHES TO A MINIMUM "HARD CORE" OF PRINCIPLES AND REGULATIONS. THE WG ACCEPTED THE FACT THAT THERE WOULD ALWAYS BE NATIONAL VARIANTS ON THE CENTRAL THEME OF PROTECTION OF PRIVACY, ACCORDING TO SENSITIVITY TO THIS PROBLEM SEEN AGAINST A BACKGROUND OF A NATIONS INTEREST IN MAXIMIZING THE FLOW OF DATA ACROSS ITS FRONTIERS. THERE WOULD SEEM TO BE A VIRTUAL CONSENSUS ON THE PRINCIPLE OF THE RIGHT OF ACCESS TO RECORDS CONTAINING PERSONAL INFORMATION, BUT EVEN HERE CRITERIA WERE STILL REQUIRED FOR CONTROL PURPOSES. THE CHAIRMAN SUGGESTED THAT PERHAPS A SUPRA-NATIONAL AUTHORITY WAS REQUIRED, A SUGGESTION THAT WAS CONSIDERED INTERESTING AND THAT MAY SURFACE AGAIN AS DISCUSSIONS ON THE EUROPEAN PARLIAMENT AND QUESTIONS OF NATIONAL SOVEREIGNTY DEVELOP.

8. DIFFICULTIES AND OBSTACLES BECAME QUICKLY VISIBLE AS THE GROUP MOVED TO (B) THE PROBLEM OF ASSIGNING RESPONSIBILITY, AND WERE ENLARGED AND INTENSIFIED AS WORDS AND DEFINITIONS CAME UNDER FIRE. FOR INSTANCE, ARTICLE 3 OF MISC 2 DISCUSSES THE APPLICABILITY OF LAW TO THE "RECORD UNCLASSIFIED

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COMPONENTS" LOCATED ON NATIONAL TERRITORY. NOBODY WAS ABLE TO DEFINE OR EVEN DESCRIBE "COMPONENTS" IN A MANNER GENERALLY ACCEPTABLE. NOR WAS IT POSSIBLE TO AGREE ON THE DEFINITION OF "AUTOMATED RECORD", EITHER AS SET OUT EXPLICITLY IN ART L (C) OR AS IMPLIED IN ART 3.1., I.E. SUB-SET OF THE TOTAL RECORD. THUS, THE STATEMENT IN ART 3.2 MADE NO SENSE, AS EITHER (A) THERE SEEMED TO BE SEVERAL "RESPONSIBLE PERSONS", OR (B) RESPONSIBILITY HAD TO BE ASSIGNED SOMEWHERE ALONG THE SYSTEM TO THE EXCLUSION OF OTHER COMPONENTS, ABOUT WHICH NOBODY AGREED.

9. AT A POINT WELL ALONG IN THE DISCUSSION, HONDIUS MADE THE SOMEWHAT SURPRISING STATEMENT THAT THE WORD "RESPONSIBLE" WAS USED WITH TWO DIFFERENT MEANINGS IN MISC 2 :
(A) LEGAL ACCOUNTABILITY (B) IN CHARGE OF A JOB. AFTER THIS, THE CHAIRMAN TURNED EVERYBODY'S ATTENTION TO ART 1.2, AND IT WAS EVENTUALLY AGREED THAT THE SECRETARIAT NEEDED TO TAKE ADVICE ON A CLOSER LOOK AT ALL THE DEFINITIONS. AT THE INVITATION OF THE CHAIRMAN, THE US OBSERVER INTERVENED SEVERAL TIMES DURING THE DISCUSSION ALONG THE FOLLOWING LINES: (A) NEED TO DEFINE MORE CLEARLY THE KEY WORDS AND IDEAS, SUCH AS "COMPONENTS" (BY FIRST DEFINING OR AT LEAST DELIMITING TOTAL SYSTEM): "PROCESSING"; "RECORDS"; "RESPONSIBILITY". (B) UNIVERSE OF DISCOURSE MUCH TOO WIDE, INCLUDING MANY CATEGORIES OF DATA MUDDLED TOGETHER, ALL SUBJECTED TO BLANKET ARGUMENTS LARGEMLY NOT APPLICABLE. (C) TENDENCY IN GROUP TO

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INTERNATIONALIZE SPECIAL DOMESTIC "PROBLEM" SITUATIONS AS A BASIS FOR INTERNATIONAL LEGISLATION, THEREFORE (D)
CRITERIA REQUIRED NOT ONLY FOR CONTROL MEASURES BUT ALSO -PERHAPS MORE URGENTLY- FOR EXCLUSION OF CATEGORIES PROBABLY COVER MAJOR PART OF INTERNATIONAL DATA FLOW, OF AN INNOCUOUS NATURE FROM PRIVACY POINT OF VIEW, BUT VITAL TO INTERNATIONAL ACTIVITIES (E)DEFINITION

OF CONCRETE PROBLEM CATEGORIES OF DATA REQUIRED FOR PRELIMINARY DISCUSSION OF SUBSTANTIVE ISSUES, BEFORE DECIDING ON HOW BEST TO TREAT BY FORMAL AGREEMENTS (F) US CONCERNED THAT LOOSENESS OF DEFINITION AND CONCRETENESS MIGHT LEAD (I) TO HASTY NATIONAL AND INTERNATIONAL ACTION THAT WOULD INTERFERE WITH THE CONTINUOUS FLOW OF ESSENTIAL DATA, TO THE DETRIMENT OF ALL CONCERNED (II) TO HETEROGENEOUS NATIONAL SYSTEMS OF CONTROL, BASED ON DIFFERENT SETS OF PROTECTION CRITERIA, THEREBY ENORMOUSLY AND UNNECESSARILY INCREASING TIME, EFFORT AND COST OF TRANS-NATIONAL DATA MOVEMENT.

10. THE LAST MAJOR ISSUE CONCERNED COOPERATION AMONG "COMPETENT AUTHORITIES" OF CONTRACTING STATES (ART 6)

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FOR THE PURPOSE OF IMPLEMENTING THE DIFFERENT ASPECTS OF NATIONAL CONTROL LEGISLATION, PARTICULARLY AS SET OUT IN ARTICLES 4 AND 5. THERE WAS LENGTHY BUT INCONCLUSIVE DISCUSSION OF DIFFERENT MECHANISMS FOR (A) KEEPING AUTHORITIES UP-TO-DATE ON CONTROL MEASURES (B) ENSURING RIGHT OF ACCESS IN A FOREIGN COUNTRY (C) APPLYING SANCTIONS FOR NON-OBSERVANCE (D) APPEALS AGAINST DECISIONS OF COURTS. THE US OBSERVER COMMENTED THAT THERE WAS NO PROVISION IN ART 6 FOR COOPERATION TO ENSURE FREE FLOW OF DATA, ALTHOUGH THE PREAMBLE HAD A STATEMENT TO THIS EFFECT. THE SECRETARIAT MADE SOME REASSURING REMARKS ABOUT THE INTENT OF THE DRAFT, BUT THE CHAIRMAN AGREED WITH THE US THAT IF THE AIM WAS AN OPEN CONVENTION, ACCEPTABLE TO NON-COE MEMBERS, THEN THE ADDITION OF SOME EXPLICIT STATEMENT IN ART 6.1 (OR ELSEWHERE AS APPROPRIATE) WOULD SERVE A USEFUL PURPOSE.

11. A PARTICULAR POINT AT ISSUE CONCERNED THE INTERPRETATION OF ART 6.3 (B), FOR WHICH THE SECRETARIAT WAS INSTRUCTED TO REVISE THE TEXT (I) DISTINGUISHING CLEARLY BETWEEN PARTIAL AND TOTAL REFUSAL TO COMPLY, AND (II) TAKING INTO CONSIDERATION ARTICLE 7.2 OF CCJ(77)5, "FINAL ACTIVITY REPORT ON MUTUAL ASSISTANCE IN ADMINISTRATIVE MATTERS" SUBMITTED TO EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CCJ) (COPY AIRPOUCHED TO DEPARTMENT). IN THIS CONNECTION, THE CHAIRMAN POINTED OUT THAT WHEREAS CCJ(77)5 IS CONCERNED WITH STATE-STATE ISSUES, MISC 2 IS ALSO AIMED AT CASES WHERE INDIVIDUALS WILL BE DEALING WITH STATE AUTHORITIES. THE CHAIRMAN ALSO RECOMMENDED THAT SOMETHING BE ADDED TO ART 6 ON "HOW THINGS WILL REALLY HAPPEN WITH RESPECT TO THE RIGHT OF ACCESS".

12. THE MORNING OF JUNE 3 WAS TAKEN UP WITH (A) A LONG STATEMENT BY HONDIUS ON THE DIFFERENT OPTIONS FOR A

DRAFT CONVENTION (B) DISCUSSION THEREON (C) CHAIRMAN'S
SUGGESTION FOR FOLLOW-UP OF THE JUNE 1-3 MEETING. HONDUS
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REMINDED THE WG THAT ITS MANDATE WAS TO STUDY THE SITUATION, NOT TO DRAFT A CONVENTION. THE PLENARY COMMITTEE OF EXPERTS ON DATA PROTECTION WOULD LOOK AT THE RESULTS OF THE STUDY AND MAKE SUITABLE RECOMMENDATIONS ON THE APPROPRIATENESS OF GOING AHEAD WITH A CONVENTION, OR WITH SOME OTHER TYPE OF INSTRUMENT. A DRAFT CONVENTION WOULD OF COURSE BE USEFUL AS A BACKGROUND DOCUMENT FOR DISCUSSION. HE WENT ON TO THE MAIN ISSUE AT STAKE FOR A CONVENTION, VIZ. CLOSED, I.E. RESTRICTED TO COE MEMBERS; OR OPEN PROGRESSIVELY TO NON-MEMBERS FIRST TO NON-COE COUNTRIES OF THE OECD FAMILY, THEN PERHAPS TO THE UN, ALTHOUGH NO INITIATIVES HAD BEEN TAKEN SO FAR IN THE UN. ANOTHER MAJOR QUESTION WAS THAT OF THE STRUCTURE OF A CONVENTION, AND HONDUS FELT THAT IT MIGHT BE NECESSARY TO DRAFT AN OPEN-ENDED FRAMEWORK, I.E. OPEN TO NON-MEMBERS, AND NOT RESTRICTED TO AN OVERALL AGREEMENT COVERING ALL TYPES OF DATA FLOW WITHIN THE SAME SET OF PROVISIONS. ON QUESTIONNING, HE EXPLAINED THAT HE HAD IN MIND A SERIES OF SUBSIDIARY AGREEMENTS TAILORED TO CIRCUMSTANCES - TYPES OF DATA, DIFFERENT REGIONAL REQUIREMENTS, SPECIAL ARRANGEMENTS FOR COUNTRIES WITH PARTICULAR DATA FLOW PROBLEMS, AND SO ON. SUCH A CONVENTION COULD CONVENIENTLY BE RATIFIED BY A SMALL NUMBER OF COUNTRIES TO BEGIN WITH, BUT OPEN FOR RATIFICATION BY OTHERS AS THEY DECIDED TO JOIN. IT MIGHT BE NECESSARY TO SPECIFICALLY EXCLUDE CERTAIN TYPES OF COMMERCIAL DATA FLOWS THAT ARE ALREADY WELL-REGULATED. CAREFUL CONSIDER-

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RATION WOULD HAVE TO BE GIVEN TO THE INTERNATIONAL NETWORKS WHICH ARE NOW DEVELOPING, AND WHICH MIGHT NEED A SUB-CONVENTION TO COVER THEIR OPERATIONS. FINALLY, HE SUGGESTED THAT AT SOME TIME A JOINT COE-OECD DIPLOMATIC CONFERENCE MIGHT BE NECESSARY TO FINALIZE AN AGREEMENT, IF SO DECIDED BY BOTH ORGANIZATIONS.

13. AFTER THE DISCUSSION, WHICH WAS COMPLETELY INFORMAL AND VERY FAVORABLE TO THE IDEA OF AN OPEN CONVENTION, THE CHAIRMAN SUMMED UP RAPIDLY AND PROPOSED AS FOLLOW UP THAT (A) THE COE AT THE HIGHEST LEVEL SHOULD SIGN OFF ON A DOCUMENT UNDERLINING AND ILLUSTRATING NECESSITY FOR NATIONAL LEGISLATION AND INTERNATIONAL AGREEMENT IN THE FIELD OF DATA FLOW AND THE PROTECTION OF PRIVACY (B) A SUMMARY TABLE OF THE "HARD CORE" PRINCIPLES (MISC 2, ART 2) BE DRAWN UP AND COMPARED WITH CURRENT NATIONAL PROJECTS (C) CONSIDERATION BE GIVEN TO EXCLUDING FROM ANY CONVENTION ALL TRANSNATIONAL DATA FLOW SITUATIONS THAT ARE ALREADY WELL REGULATED. THE WG WILL REPORT TO THE COMMITTEE OF EXPERTS IN SEPTEMBER, AFTER THE VIENNA OECD SYMPOSIUM.

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14. MISSION COMMENTS: (A) NEITHER WORKING GROUP A NOR THE COMMITTEE OF EXPERTS ON DATA PROTECTION ITSELF HAS A MANDATE TO WRITE A DRAFT CONVENTION. SUCH A DRAFT WILL, HOWEVER, UNDOUBTEDLY BE USED AS BACKGROUND AS DISCUSSIONS MOVE UPWARDS TOWARDS THE COUNCIL ITSELF. JUDGING BY THE DETAILED COMMENTS OF WG A MEMBERS DURING THE JUNE 1-3 SESSIONS, THERE IS STILL A LONG WAY TO GO BEFORE THE COE SECRETARIAT HAS WORDS THAT WILL SATISFY THE CCJ LEGAL EXPERTS, AND EVEN FURTHER BEFORE COE MEMBER-COUNTRIES HAVE RESOLVED THEIR SUBSTANTIVE DIFFERENCES, PARTICULARLY THOSE CONCERNED WITH RULES FOR THE APPLICATION OF NATIONAL LEGISLATION TO EXTRA-FRONTIER OPERATIONS. (B) THE CHAIRMAN, JOINET, (WHO DRAFTED THE FRENCH BILL ON PRIVACY) STILL FEELS THAT END-1978 WILL BE THE EARLIEST FOR ARRIVING AT A PRESENTABLE VERSION.

(C) THERE IS NO DOUBT NOW THAT THE OECD VIENNA SYMPOSIUM IS REGARDED BY THE COE - AND OTHERS - AS A MILESTONE IN THE PROCESS OF ARRIVING AT USEFUL POLICY GUIDANCE FOR GOVERNMENTS. THE COE WILL NOT PRESENT A DRAFT CONVENTION TO THE SYMPOSIUM - IN FACT IT WOULD HAVE NO AUTHORITY TO BE IN POSSESSION OF SUCH A DOCUMENT - BUT THE INTENTION IS TO EXPOSE THE SUBSTANTIVE ISSUES ENCOUNTERED IN AN ATTEMPT TO ARRIVE AT INTERNATIONAL AGREEMENT IN THIS COMPLEX FIELD. (D) THE DEPARTMENT MAY WISH TO INITIATE THE DRAFTING OF A "SHADOW" CONVENTION, I.E. A THEORETICAL REVISION OF MISC 2, WITH A CONTENT AND FORM THAT COULD EVENTUALLY BE USED AS A BASIS OF MULTI-LATERAL OR BILATERAL NEGOTIATION, OR AS A CONTRIBUTION TO A POSSIBLE JOINT OECD-COE VENTURE. IN THIS RESPECT (I) THE CONTROVERSIAL DEFINITIONS IN ART 1 OF MISC 2 WOULD NEED CLARIFICATION (II) THE "HARD CORE" IN ART 2 WOULD SEEM TO REQUIRE BALANCING SENTENCES CONCERNED WITH THE FREE FLOW OF DATA, AND (III) ART 6 ON "COOPERATION" WOULD ALSO REQUIRE INPUT DIRECTED TO INTER-STATE INFORMATION AND ASSISTANCE ON DATA FLOW (E) THERE WAS SOME DISCUSSION AT UNCLASSIFIED

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THE COE MEETING OF THE RAPID EVOLUTION OF MULTI-NATIONAL NETWORKING. THE OECD IS ALSO LOOKING AT THIS DEVELOPMENT, AND WILL PROBABLY PART SPONSOR AN INVENTORY OF EXISTING NETWORKS. IN THIS CONNECTION, THE DEPARTMENT'S ATTENTION IS DRAWN TO AN ARTICLE ON PAGE 36 OF THE FRENCH NEWSPAPER "LE MONDE", DATED JUNE 11, 1977. THIS ARTICLE GIVES A BRIEF RUNDOWN OF A REPORT RECENTLY PUBLISHED BY THE FRENCH OFFICIAL DOCUMENTATION SERVICE (LA DOCUMENTATION FRANCAISE) DEALING WITH "US DOMINATION OF THE ECONOMIC INFORMATION TECHNOLOGY MARKET" AND RAISING SOME BASIC QUESTIONS OF DIRECT INTEREST TO THE US (AUTHORS, JEAN-MICHEL TREILLE AND BERNARD SAVONET). THE LANGUAGE OF THE ARTICLE IS REMINISCENT OF THAT USED BY "LE MONDE" JOURNALISTS PRIOR TO THE OECD TECHNOLOGY GAP EXERCISE. COPIES OF THE REPORT WILL BE AIRPOUCHED SOONEST (TITLE: INSTRUMENT DE STRATEGIE ECONOMIQUE ET INDUSTRIELLE).

15. DOCUMENTS AIRPOUNCHED TO DEPARTMENT (CRAWFORD, OES):

- (A) EXP/DATA PROT(77) MISC 2 - DRAFT CONVENTION
- (B) EXP/DATA PROT(77)6 - REPORT ON FEB 14-16, 1977
 - MEETING OF WG A
- (C) CCJ(77)5 - ACTIVITY REPORT ON ADMINISTRATIVE ASSISTANCE.

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